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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/543,118

03/31/2006

Peter Bauer

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04/02/2008

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/543,118	Applicant(s) BAUER ET AL.	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 1/9/2008.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claim 28, line 4 of "a viewing window formed on said body" of the refrigerating appliance must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-27, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 15, the preamble clearly indicates that a subcombination is being claimed, i.e., "[A] door for a refrigerating appliance...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of a "door", the refrigerating appliance is only functionally recited. The problem arises when the refrigerating appliance is positively recited within the body of the claim, such as, "wherein a control panel mounted on an upper front edge of a body of the refrigerating appliance..." In this case there is an inconsistency within the claim. The preamble indicates subcombination, while in the body of the claim in at least one instance there is a positive recital of structure indicating that the combination of a door and refrigerating appliance and/or its components is being claimed. The examiner cannot be sure if applicant's intent is to claim merely the door or the door in combination with the refrigerating appliance. Applicant is required to clarify what the claim is intended to be drawn to, and the language of the claim is amended to be consistent with the intent. For the purpose of this examination, the examiner is considering that the claim is drawn to the combination of a door and a refrigerating appliance.

5. In regard to claim 29, claim 28 recited the viewing window formed on the body of a refrigerating appliance; however, claim 29, line 4-5, recites on traverse edge of the door being "formed with said viewing window", thus renders the claim indefinite for failing to clearly define how it is possible for the viewing window to be formed on both the body and the door.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 15-20, 22-25, 28-31, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 02/065036 to Bukulmez et al.

Bukulmez et al discloses a refrigerating appliance comprising all the elements recited in the above listed claims including a body, comprising: a door 2 abutting the body in a closed position; a display element/control panel 3; a viewing window 13 formed on said body; and said viewing window 13 oriented such that said display element/control panel 3 is visible when said door is closed, said door comprising: an outer wall; an inner wall; said outer wall and said inner wall interconnected along their longitudinal and transverse edges forming a space therebetween to form a depth for the door; and one transverse edge formed with said viewing window 13 extending over said

depth of door, said door having a rectangular outline and a pair of shorter rectangular sides and a pair of longer rectangular sides joining said shorter sides into said rectangular outline, including said viewing window 13 formed on one of said shorter rectangular sides of said door serving as said transverse edge, a transverse edge of said outer wall and a corresponding transverse edge of said inner wall lie opposite one another and an opening serving as said viewing window formed over said depth of said door, said transverse edge of said outer wall has said viewing window formed therein serving as a recess and projecting over said corresponding transverse edge of said inner wall, a first end element 9 affixed to the edge of said outer wall and an edge of said inner wall, said first end element and said outer and inner walls define an insulating intermediate space, said first end element following the contour of said viewing window, a transparent pane 14 arranged in said viewing window 13, with said pane 14 inserted in a window cut-out formed in said end element 9; wherein the door 2 covers the body of the refrigerating appliance to its upper edge and wherein the control panel 3 mounted on an upper front edge of the body of the refrigerating appliance is visible through the viewing window 13.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 21, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukulmez et al.

Bukulmez et al discloses all the elements as discussed above except for the pane formed integrally with said end element, and said pane formed from an opaque material.

In regard to the pane formed integrally with the end element (instead of two parts), the examiner takes the position that it would have been obvious to have the pane of Bukulmez formed integrally with the end element, since it is well known that constructing formerly various structures into a single or integral structure or vice versa involves only routine and well within the level of one skill in the art. In regard to the pane formed from an opaque material, the examiner takes the position that it would have been obvious and well within the level of one skill in the art to form a pane/panel with either a transparent or opaque material based on the intended usage of said pane/panel.

11. Claims 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bukulmez et al in view of DE 9218613 to Licentia.

Bukulmez et al discloses all the elements as discussed above except for the door including a non-transparent decoration formed at least on a portion of the back of the pane.

Licentia teaches the idea of providing a household appliance with a non-transparent decoration in a panel for aesthetic purpose. Therefore, it would have been obvious to modify the structure of Bukulmez et al by providing the door with a non-transparent decoration for aesthetic purpose, as taught by Licentia, since both teach alternate conventional household appliance structure, thereby providing structure as claimed.

Response to Arguments

12. Applicant's arguments filed 1/9/2008 have been fully considered but they are not persuasive. In response to applicant's arguments on page 7 that Bukulmez et al fails to teach or suggest the claimed limitation of the control panel mounted on an upper front edge of a body of the refrigerating appliance of claim 15, and a display element mounted at an upper front edge of the body and a viewing window formed on said body oriented such that the display element is visible when said door is closed of claim 28, and that the display element/control panel 3 of Bukulmez et al is mounted to the top of the body, NOT on an upper front edge, the examiner respectfully takes the position that the claimed language fails to provide adequate structural limitations to the claim in defining an upper front edge of the body in order to distinguish from Bukulmez et al. More specifically, the display element/control panel of Bukulmez et al is clearly mounted to the top of the body at the upper front edge portion, thus meets the claimed limitations.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Antos et al shows structures similar to various elements of applicant's disclosure.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT /HVT/
March 29, 2008

/Lanna Mai/
Supervisory Patent Examiner, Art Unit 3637